

# **Exhibit 5**

**From:** Mart, Barbara <Barbara.Mart@nebraska.gov>  
**Sent:** Tuesday, December 2, 2008 12:07 PM  
**To:** 'Nancy Nesser' <Nancy.Nesser@okhca.org>; 'Trish M. O'Keefe' <okeefet@michigan.gov>; wellsa@ahca.myflorida.com ; ann.rugg@ahs.state.vt.us ; david.campana@alaska.gov ; suzette.bridges@arkansas.gov ; Suzanne.Berman@azahcccs.gov ; james.zakszewski@ct.gov ; carolyn.rachel@dc.gov ; awashington@dch.ga.gov ; coleenl@dchfp.nv.gov ; Kevin.Gorospe@dhcs.ca.gov ; Caroline Sojourner <SOJOURCY@dhcs.sc.gov>; mterrebo@dhh.la.gov ; LFarrand@dhhs.state.nh.us ; Charles Sandler <SandlerC@dhhm.state.md.us>; pavarista@dhs.ri.gov ; Susan' 'Parker' <sparker2@dhs.state.ia.us>; jacqueline.h.zaremba@dhs.state.nj.us ; Carrie L - DHS' 'Gray' <Carrie.Gray@dhs.wisconsin.gov>; eidet@dhw.idaho.gov ; Rachel.Cain@dmas.virginia.gov ; childsa@dshs.wa.gov ; George.L.Oestreich@dss.mo.gov ; cynthia.denemark@EDS.COM ; Marc.Shirley@fssa.in.gov ; mrb01@health.state.ny.us ; Antoinette Brown <antoinette.brown@health.wyo.gov>; barbara.dean@hhsc.state.tx.us ; Lisa.Voils@illinois.gov ; Margaret.Scott@jfs.ohio.gov ; LeAnn.Bell@khpa.ks.gov ; lisa.loftus@maine.gov ; Kelli.Littlejohn@medicaid.alabama.gov ; LDonovan@medicaid.dhs.state.hi.us ; phjpc@medicaid.state.ms.us ; Roger Citron <RCitron@mt.gov>; Tom.DAndrea@ncmail.net ; bjoyce@nd.gov ; asseyj@scdhhs.gov ; catherine.traugott@state.co.us ; paul.jeffrey@state.ma.us ; Jarvis.Jackson@state.mn.us ; Julie.McKeay@state.nm.us ; ralph.m.magrish@state.or.us ; c-teathers@state.pa.us ; mike.jockheck@state.sd.us ; Todd Bess <Todd.Bess@state.tn.us>; tmorley@utah.gov ; pking@wvdhhr.org  
**Cc:** Wendy Blackwood <WBlackwood@mt.gov>  
**Subject:** RE: \$4 generics

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I agree with Nancy.

Walgreens also has a program like this.

-----Original Message-----

From: Nancy Nesser [mailto:Nancy.Nesser@okhca.org]

Sent: Tuesday, December 02, 2008 11:50 AM

To: 'Trish M. O'Keefe'; wellsa@ahca.myflorida.com ; ann.rugg@ahs.state.vt.us ; david.campana@alaska.gov ; suzette.bridges@arkansas.gov ; Suzanne.Berman@azahcccs.gov ; james.zakszewski@ct.gov ; carolyn.rachel@dc.gov ; awashington@dch.ga.gov ; coleenl@dchfp.nv.gov ; Kevin.Gorospe@dhcs.ca.gov ; Caroline Sojourner ; mterrebo@dhh.la.gov ; LFarrand@dhhs.state.nh.us ; Charles Sandler ; pavarista@dhs.ri.gov ; Susan' 'Parker' ; jacqueline.h.zaremba@dhs.state.nj.us ; Carrie L - DHS' 'Gray' ; eidet@dhw.idaho.gov ; Rachel.Cain@dmas.virginia.gov ; childsa@dshs.wa.gov ; George.L.Oestreich@dss.mo.gov ; cynthia.denemark@EDS.COM ; Marc.Shirley@fssa.in.gov ; mrb01@health.state.ny.us ; Antoinette Brown ; barbara.dean@hhsc.state.tx.us ; Lisa.Voils@illinois.gov ; Margaret.Scott@jfs.ohio.gov ; LeAnn.Bell@khpa.ks.gov ; lisa.loftus@maine.gov ; Kelli.Littlejohn@medicaid.alabama.gov ; LDonovan@medicaid.dhs.state.hi.us ; phjpc@medicaid.state.ms.us ; Roger Citron ; Tom.DAndrea@ncmail.net ; bjoyce@nd.gov ; Mart, Barbara ; asseyj@scdhhs.gov ; catherine.traugott@state.co.us ; paul.jeffrey@state.ma.us ; Jarvis.Jackson@state.mn.us ; Julie.McKeay@state.nm.us ; ralph.m.magrish@state.or.us ; c-teathers@state.pa.us ; mike.jockheck@state.sd.us ; Todd Bess ; tmorley@utah.gov ; pking@wvdhhr.org

Cc: Wendy Blackwood

**VDP\_4359206**

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TX-STATE-WINK-00116307  
**CVSSM-0025730**

Subject: RE: \$4 generics

I agree that the enrollment/membership fee is a way around the "usual and customary" pricing requirement that applies in most states. I would be interested in your legal team's opinion.

Thanks,  
Nancy

-----Original Message-----

From: Trish M. O'Keefe [mailto:okeefet@michigan.gov]

Sent: Tuesday, December 02, 2008 11:25 AM

To: wells@ahca.myflorida.com; ann.rugg@ahs.state.vt.us; david.campana@alaska.gov; suzette.bridges@arkansas.gov; Suzanne.Berman@azaheccs.gov; james.zakszewski@ct.gov; carolyn.rachel@dc.gov; awashington@dch.ga.gov; coleenl@dhcnp.nv.gov; Kevin.Gorospe@dhs.ca.gov; Caroline Sojourner; mterrebo@dhh.la.gov; LFarrand@dhhs.state.nh.us; Charles Sandler; pavarista@dhs.ri.gov; Susan' Parker; jacqueline.h.zaremba@dhs.state.nj.us; Carrie L. - DHS' Gray; eidet@dhw.idaho.gov; Rachel.Cain@dmass.virginia.gov; childsa@dshs.wa.gov; George.L.Oestreich@dss.mo.gov; cynthia.denemark@EDS.COM; Marc.Shirley@fssa.in.gov; mrb01@health.state.ny.us; Antoinette Brown; barbara.dean@hhsc.state.tx.us; Lisa.Voils@illinois.gov; Margaret.Scott@jfs.ohio.gov; LeAnn.Bell@khpa.ks.gov; lisa.loftus@maine.gov; Kelli.Littlejohn@medicaid.alabama.gov; LDonovan@medicaid.dhs.state.hi.us; phjpc@medicaid.state.ms.us; Roger Citron; Tom.DAndrea@ncmail.net; bjoyce@nd.gov; Barbara Mart; Nancy Nesser; asseyj@scdhhs.gov; catherine.traugott@state.co.us; paul.jeffrey@state.ma.us; Jarvis.Jackson@state.mn.us; Julie.McKeay@state.nm.us; ralph.m.magrish@state.or.us; c-tcathers@state.pa.us; mike.jockheck@state.sd.us; Todd Bess; tmorley@utah.gov; pking@wvdhhr.org

Cc: Wendy Blackwood  
Subject: Re: \$4 generics

We've asked policy staff to review with the legal staff and determine if these special enrollment fees for discount programs are in violation of the pharmacy's enrollment agreement and general Michigan Medicaid Provider Policy. Appear to be an attempt to avoid passing the discounts on to the Medicaid program.

Trish M. O'Keefe  
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Data Management Division  
Medicaid Program Operations & Quality Assurance  
Michigan Department of Community Health  
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>>> "Citron, Roger" <RCitron@mt.gov> 12/2/2008 12:16 PM >>>

Now that CVS has rolled out their own \$4 generic program, but require an annual \$10 enrollment fee for the uninsured and underinsured to participate, what are States expecting/auditing for U&C?

Thanks in advance!

Roger A. Citron, R.Ph.  
Montana DPHHS  
Medicaid Pharmacist  
(406)444-5951

**VDP\_4359207**

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TX-STATE-WINK-00116308  
CVSSM-0025731

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